

1 WRIGHT, FINLAY & ZAK, LLP

2 Darren T. Brenner, Esq.

3 Nevada Bar No. 8386

4 Lindsay D. Dragon, Esq.

5 Nevada Bar No. 13474

6 7785 W. Sahara Ave., Suite 200

7 Las Vegas, NV 89117

8 (702) 475-7964; Fax: (702) 946-1345

9 [dbrenner@wrightlegal.net](mailto:dbrenner@wrightlegal.net)

10 [ldragon@wrightlegal.net](mailto:ldragon@wrightlegal.net)

11 *Attorney for Plaintiff Wilmington Trust, National Association, not in its individual capacity but as  
12 Trustee of ARLP Securitization Trust, Series 2014-1*

13 **UNITED STATES DISTRICT COURT  
14 DISTRICT OF NEVADA**

15 WILMINGTON TRUST, NATIONAL  
16 ASSOCIATION, NOT IN ITS INDIVIDUAL  
17 CAPACITY BUT AS TRUSTEE OF ARLP  
18 SECURITIZATION TRUST, SERIES 2014-1,

19 Plaintiff

20 vs.

21 FIDELITY NATIONAL TITLE  
22 INSURANCE COMPANY and LAWYERS  
23 TITLE INSURANCE CORPORATION,

24 Defendants

25 Case No.: 2:19-cv-00449-CDS-EJY

26 **STIPULATION AND ORDER FOR  
27 LIMITED STAY OF CASE**

28 Plaintiff, Wilmington Trust, National Association, not in its individual capacity but as  
Trustee of ARLP Securitization Trust, Series 2014-1 (“Plaintiff”) and Defendants Fidelity  
National Title Insurance Company and Lawyers Title Insurance Corporation (“Defendants”, and  
with Plaintiff, the “Parties”), by and through their undersigned counsel, hereby stipulate as  
follows:

29 This matter involves a title insurance coverage dispute wherein Plaintiff contends, and  
30 Defendants dispute, that the title insurance claim involving an HOA assessment lien and  
31 subsequent sale was covered by the subject policy of title insurance. There are now currently  
32 pending in the United States District Court for the District of Nevada and Nevada state courts  
33 more than one-hundred actions between national banks, on the one hand, and title insurers, on the

1 other hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA  
 2 2006 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9  
 3 and/or CLTA 115.2/ALTA 5 Endorsements.

4 This matter was previously stayed pending a Ninth Circuit appeal in *Wells Fargo Bank,*  
 5 *N.A. v. Fidelity Nat'l Title Ins. Co.*, Ninth Circuit Case No. 19-17332 (District Court Case No.  
 6 3:19-cv-00241-MMD-WGC) (“*Wells Fargo II*”) [ECF No. 24], which resolved on November 21,  
 7 2021.

8 The Parties have conferred and believe another limited six-month stay is warranted. The  
 9 *PennyMac Corp. v. Westcor Land Title Ins. Co.*, Nevada Supreme Court Case No. 83737  
 10 (“*PennyMac*”) appeal remains pending. Additionally, there is another fully briefed appeal to the  
 11 Nevada Supreme Court involving a similar coverage dispute in *Deutsche Bank Nat'l Trust Co. v.*  
 12 *Fidelity Nat'l Title Ins. Co.*, Nevada Supreme Court Case No. 84161 (“*Deutsche Bank*”). Both  
 13 *PennyMac* and *Deutsche Bank* are fully briefed, but oral argument has not been set. The Parties  
 14 anticipate that the Nevada Supreme Court’s decisions in the foregoing appeals may touch upon  
 15 issues regarding the interpretation of policy and claims handling, that could potentially affect the  
 16 disposition of the instant action.

17 Accordingly, the Parties believe an additional stay of six months in the instant action will  
 18 best serve the interests of judicial economy. The Parties request that the action be stayed for an  
 19 additional six months, through and including, August 7, 2023. The Parties are to submit a Joint  
 20 Status Report on or before August 7, 2023. The Parties further agree that this stipulation and stay  
 21 of this case is entered based on the specific circumstances surrounding this particular case, and  
 22 that this stipulation shall not be viewed as a reason for granting a stay in any other pending matter.

23 **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby  
 24 stipulate and agree as follows:

- 25 1. In the interests of judicial economy and in efforts to preserve the Parties’ resources,  
 26 the Parties request that this action be **STAYED FOR AN ADDITIONAL SIX (6)**  
 27 **MONTHS**, through and including, August 7, 2023.
- 28 2. All deadlines currently set in this case shall remain **VACATED**.

- 1           3. The Parties are to submit a Joint Status Report on or before August 7, 2023.  
2           4. By entering into this Stipulation, none of the Parties is waiving its right to  
3           subsequently move the Court for an order lifting the stay in this action.  
4           5. Notwithstanding this Stipulation, the Parties may continue to conduct third-party  
5           discovery (including by issuing and enforcing third-party subpoenas) to preserve  
6           evidence.

7           **IT IS SO STIPULATED.**

8           DATED this 6<sup>th</sup> day of February, 2023.

9           WRIGHT, FINLAY & ZAK, LLP

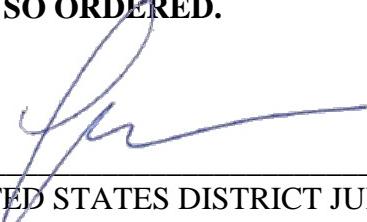
10          /s/ Lindsay D. Dragon  
11          Lindsay D. Dragon, Esq.  
12          Nevada Bar No. 13474  
13          7785 W. Sahara Ave., Suite 200  
14          Las Vegas, NV 89117  
15          *Attorney for Plaintiff, Wilmington Trust,  
National Association, not in its individual  
capacity but as Trustee of ARLP  
Securitization Trust, Series 2014-1*

8           DATED this 6<sup>th</sup> day of February, 2023.

9           SINCLAIR BRAUN LLP

10          /s/ Kevin S. Sinclair  
11          Kevin S. Sinclair, Esq.  
12          Nevada Bar No. 12277  
13          16501 Ventura Boulevard, Suite 400  
14          Encino, California 91436  
15          *Attorney for Defendants Fidelity National  
Title Insurance Company and Lawyers Title  
Insurance Corporation*

18           **IT IS SO ORDERED.**

19  
20  
21            
22          \_\_\_\_\_  
23          UNITED STATES DISTRICT JUDGE

24  
25  
26  
27  
28          Dated: February 7, 2023